## COMMONWEALTH OF MASSACHUSETTS State Building Code (780 CMR) Appeals Board Board's Ruling on Appeal1

**Docket No. 08-682** 

Appellant(s): Paul A. Bourke

VZ.

Appellee(s): City/Town of Northhampton

Anthony Patillo

## Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 1010.2, for 19 Center Court, Northhampton, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on December 23, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing representing the owners, Bennett and Lilly Gaev. Others were present as well as shown on the sign-in sheet on file at the Department of Public Safety.

## Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1010.2, after hearing testimony regarding the property. The motion was based on the understanding that there would be a full alarm system, full notification system and emergency lighting system in the building, and, that the building official has no objection to the granting of the variance (12-22-08 letter, Exhibit #2) to allow one egress from the third floor office using the existing interior stairway. There was a second on the motion and a board vote was taken, which was unanimous.

## **Conclusion**

The Appellant's request for a variance from 780 CMR 1010.2, is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: December 23, 2008.

<sup>2</sup>In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.

<sup>&</sup>lt;sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108